

REMARKS

The Examiner is thanked for the indication that claims 4-6 are allowed.

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Honda et al. (U.S. Publication No. 2002/0030672) (hereinafter "Honda").

Claims 4-6 are allowed.

At pages 2-3 of the Final Office Action dated December 10, 2008, the Examiner sets forth a detailed "Response to Arguments" section. Applicants have studied these arguments in detail and will now specifically respond to those arguments.

More particularly, the Examiner concedes that there are differences between the disclosure of Honda and the Applicants' invention "in that Honda accumulates every line while the applicant's invention only does it every field." However, the Examiner goes on to assert that this difference is not claimed. In response to the Examiner's assertions in the Final Office Action, Applicants have opted to further amend independent claim 1 to specifically describe a combination of features of a display device in which brightness frequency data is "generated only on a field-by-field basis." Accordingly, Applicants respectfully submit that independent claim 1 of the instant application, as newly-amended, clearly distinguishes from the disclosure of Honda.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because Honda does not teach or suggest each feature of independent claim 1 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a

single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

It is respectfully submitted that the Final Office Action refers to "Honda et al. and Suzuki et al." at page 5 with regard to each of dependent claims 2 and 3. However, dependent claims 2 and 3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by only Honda. Accordingly, it appears that the rejections at page 5 of the Final Office Action of dependent claims 2 and 3 are in error. Regardless, Applicants respectfully assert that dependent claims 2-3 are allowable at least because of their dependence from claim 1, and the reasons set forth above, and because Suzuki et al. does not cure the deficiencies of Honda, as previously discussed.

The remaining claims 4-6 have been indicated as allowed by the Examiner.

CONCLUSION

In view of the foregoing discussion, Applicants respectfully request the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By:



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